

REMARKS

Claims 1, 3-15, and 18-30 stand in this application. Claims 1, 8, 10, 14, 18, 22 and 26 have been amended. Claims 2, 16 and 17 have been canceled. Reconsideration and allowance of the standing claims are respectfully requested.

Claims 1, 10, 14, 18, 22 and 26 are independent claims that have been amended. Specifically, each of the independent claims has been amended to clarify that the term "encoding format" refers to a content format used to encode the data prior to broadcasting. This feature is supported by the specification. Specification, Page 5, Lines 4-17. No new matter has been introduced. Further, no additional searching should be necessitated by this amendment since the term "content format" has been previously introduced in original claim 2.

Claims 1-7, 9-21 and 26-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,172,677 (Stautner) in view of USPN 5,946,052 (Ozkan) and further in view of USPN 6,268,849 (Boyer). Applicant respectfully requests removal of this rejection.

Claims 1, 3-7, 9-15, 18-21 and 26-30 represent patentable subject matter because the cited references fail to teach or suggest all the claim limitations of these claims. For example, claim 1 as amended recites the feature of "sending to a receiver scheduling information that includes a scheduled time and identifies an encoding format, wherein the encoding format comprises a content format used to encode the data prior to broadcasting." At least this feature is not shown by any of the cited references.

Stautner fails to teach or suggest all the claim limitations of claim 1. As correctly noted in the Office Action, Stautner does not disclose “scheduling information sent to the receiver identifies an encoding format that the viewer applications use when processing the broadcast of data at the scheduled time.” The Office Action states that this missing feature is shown by Ozkan. Office Action, Page 3. Applicant respectfully disagrees.

Ozkan fails to teach or suggest the missing claim limitation of claim 1. According to the Office Action, “Ozkan discloses a terminal that receives program guide information including an encoding format.” Office Action, Page 3. The term “encoding format” as used in the claimed subject matter, however, refers to the content format used to encode the data prior to broadcasting the data. Examples of content format may include the MPEG-2 standard, ATVEF standard, Disney ATVEF standard, and so forth. Specification, Page 5, Lines 4-17. By way of contrast, Ozkan describes a receiver configured to receive “variable broadcast encoding formats.” These variable broadcast encoding formats refer to the formats used to broadcast or transmit the broadcast data. As clearly stated in the specification, “[t]he data of each broadcast belongs to one content format, but the broadcasts can have any format.” Specification, Page 5, Lines 4-7. Although the Ozkan system mentions the use of a MPEG decoder (Ozkan, Col. 7, Lines 5-6), which is an example of an “encoding format” as used in the claims, the Ozkan system never sends to the receiver information that the content format for the broadcast data is the MPEG format.

Boyer also fails to teach or suggest the missing claim limitation of claim 1. Boyer refers to a television program guide that is provided using web pages and a web browser. Boyer, Col. 6: Lines 1-22. The web browser may comprise a conventional web browser,

such as the Internet Explorer or Netscape Navigator. Such web browsers support the viewing of various types of multimedia content, such as video stills, and video and audio clips (e.g., AVI or MOV files). If desired, certain of these multimedia support functions may be provided as web browser plug-ins, which are special software modules designed to enhance the features of a web browser application. Boyer, Col. 6: Lines 5-17.

Conventional web browsers, however, do not send "to a receiver scheduling information that includes a scheduled time and identifies an encoding format, wherein the encoding format comprises a content format used to encode the data prior to broadcasting." Since a user selects a file to download, there is no need for the web browser to send any scheduling information, particularly regarding the encoding format of the data. Although the web browser may display a television program schedule, this schedule is merely content for the web page and is not used by the web browser to download information to the browser.

For at least the above reasons, claim 1 represents patentable subject matter over Stautner, Ozkan, and Boyer, whether alone or taken in combination. Claims 2, 16 and 17 have been canceled to facilitate allowance of the standing claims and without prejudice to the underlying subject matter. Claims 3-7, 9-15, 18-21 and 26-30, each recite features similar to those recited in claim 1, and therefore represent patentable subject matter for at least the same reasons given for claim 1. Removal of the rejection for claims 1, 3-7, 9-15, 18-21 and 26-30 is respectfully requested.

Claims 22-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,659,350 (Hendricks) in view of Ozkan and further in view of Boyer. Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner in view of

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Ozkan and further in view of Boyer, and further in view of the ATVEF Specification.

Claims 8 and 22-25 recite features similar to claim 1, and therefore represent patentable subject matter for at least the same reasons given for claim 1. Removal of the rejection for claims 8 and 22-25 is respectfully requested.

For at least the above reasons, Applicant submits that claims 1, 3-15 and 18-30 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

It is believed that claims 1, 3-15 and 18-30 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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